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REMARKS

Status Summary

Claims 9 and 11-27 are pending in the present application and currently stand rejected. Claims 9, 11-23, and 25-27 have been amended to more particularly define the present subject matter. Claim 24 has been cancelled herein.

Claim Rejections - 35 U.S.C. § 103

Claims 9, 11-13, 17, 18-22, 24, 26, and 27 stand rejected for obviousness over U.S. Patent No. 3,988,052 to Mooney et al. ("Mooney") in view of U.S. Patent No. 4,189,198 to Reichman; claims 14 and 23 over Mooney and Reichman in view of U.S. Patent No. 2,116,776 to Bondeson; claims 16 and 26 over Mooney and Reichman in view of U.S. Patent No. 4,159,859 to Shemtov; and claims 15 and 25 over Mooney and Reichman in view of U.S. Patent No. 5,816,844 to Perera. These rejections are respectfully traversed, as discussed below.

The Examiner contends that Mooney discloses the clamping apparatus as presently claimed, but that Mooney does not disclose that the wire is pressed against the sidewall and that the set screw axis intersects the first screw axis. The Examiner further contends that Reichman discloses a trough comprising a base wall and first and second side walls, where the trough can be adjusted to accommodate wires at various angles to the conduit. Therefore, the Examiner asserts that it would have been obvious to replace the Mooney trough with the Reichman trough, either by

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replacing the integral Mooney trough with the adjustable Reichman trough or by simply attaching the Reichman trough to the Mooney trough at arm **34** using the screw hole on arm **34**. The Examiner states that the suggestion or motivation for doing so would have been to accommodate the wire oriented at an angle to the conduit as taught in Reichman and the resulting device would include that the set screw axis could be set to perpendicularly intersect the first screw axis as claimed.

The present subject matter relates to a clamping apparatus for electrically connecting at least a first ground wire to a grounding member. The apparatus includes a bottom clamping member comprising a bottom medial portion and first and second threaded holes on first and second sides of the bottom medial portion for accepting first and second screws, respectively. A top clamping member cooperates with the bottom clamping member and includes a top medial portion aligned to cooperate with the bottom medial portion and corresponding first and second holes on first and second sides, respectively, of the top medial portion that correspond to the threaded holes. A trough includes a base wall and a first and second side wall, the first side wall having a threaded hole and a set screw adapted to matingly engage the threaded hole and to tighten against the second side wall, wherein the trough is arranged with an opening between the first and second side wall. The set screw is positioned such that when the first ground wire is positioned in the trough, the set screw can be tightened to apply pressure so that the first ground wire is secured between the set screw and the second side wall. In this position, the set screw

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extends outside the trough along an axis that intersects at least substantially perpendicularly with an axis of the first screw at a point above the first screw.

Independent claims 9 and 18 have been amended to more particularly define that the trough is fixedly positioned. The application as originally filed discloses that the trough can be formed together with the top clamping member or affixed thereto. As such, it is clearly in a fixed position and is not rotatable. No new matter is considered to have been added.

The cited documents must teach or suggest all of the recitations of the claims in order to establish a prima facie case of obviousness. In order to combine the cited documents as the Examiner has attempted to do, there must be some motivation to do so to arrive at the claimed invention and there must be a reasonable expectation of a successful combination.

In regards to the Examiner's first contention that Mooney and Reichman can be combined by replacing the integral Mooney trough with the adjustable Reichman trough, the present amendments to independent claims 9 and 18 now more particularly recite that the trough of the present subject matter is fixedly positioned. There is no motivation or suggestion to combine the teaching of a clamping apparatus of Mooney with the teaching of an adjustable, rotatable trough of Reichman in order to accommodate wires oriented at various angles to the conduit as taught by the present subject matter, as described further below.

Mooney specifically discloses an "ease of fabrication" wherein the Mooney trough is formed by stamping first clamp member **13** such that the material from first

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clamp member **13** can be lifted to provide the trough structure (e.g., saddle edge **30** is formed from opening **28** and arm **34** is formed from opening **32**). Furthermore, the screw holes for screws **16**, **17**, and **18** are directionally the same to provide further ease of fabrication by having predetermined drill holes drilled in a common direction. Since ease of fabrication is one advantage of the Mooney clamp disclosure, one of skill in the art would not be motivated or enticed to add another step to the manufacturing process (i.e., attaching the adjustable Reichman trough), especially when there would be nothing to be gained by such an attachment. If one of skill in the art wanted the Mooney trough to accommodate wires at various angles to the conduit, some additional structure would need to be added to the apparatus because the Mooney trough is not capable of accommodating wires at any angle other than parallel with the conduit. Since ease of fabrication was of importance to Mooney, those of skill in the art would not see an advantage in adding this further structure.

In regards to the Examiner's second contention that Mooney and Reichman can be combined by simply attaching the Reichman trough to the Mooney trough at arm **34** using the screw hole on arm **34**, this combination would lead to the size of the clamping apparatus being enlarged, particularly the height of the apparatus. This higher profile would defeat one advantage of the apparatus of the present subject matter, namely the desire for a low profile apparatus for easier concrete coverage. For example and using a pool installation, the low profile clamping apparatus of the present subject matter is desirable to reduce the amount of shotcrete or gunite concrete needed to cover rebar and the clamped apparatus. By attaching the

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Reichman trough to the Mooney trough at the screwhole on arm **34** as suggested by the Examiner, an undesirable high profile apparatus would be created. This high profile apparatus would have the exact undesirable characteristics that the low profile clamping apparatus of the present subject matter was designed to overcome.

Further undesirable results would occur by simply attaching the Reichman trough with the Mooney trough as suggested by the Examiner in order to accommodate wires at various angles to the conduit. While operating in this manner, it would be necessary that the Reichman trough be adjusted (rotated) to accommodate wires at various angles to the conduit, and as a result the axis of the trough set screw would not intersect perpendicularly with the axis of the first screw of the clamping member. In other words, when the Reichman trough is rotated to receive wires at various angles, the set screw used to clamp the ground wire would no longer extend over the clamping member first screw axis to as in the present disclosure, as seen in FIG. 1 and FIG. 2. Thus, there is no suggestion or motivation to combine Mooney and Reichman to achieve intersecting screw axes by having a horizontal trough that is adjustable because, when adjusted from the intersecting position, the intersecting axes are non-existent. This combination of Mooney and Reichman would eliminate one of the desirable characteristics obtained by the clamping apparatus of the present subject matter, namely to have intersecting screw axes.

There is therefore no suggestion or motivation to combine the teachings of Mooney and Reichman in order to arrive at the presently claimed subject matter.

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Moreover, the combinations as suggested by the Examiner would lead away from the teachings of Mooney and Reichman (e.g., ease in fabrication) or would lead to an apparatus with undesirable effects (e.g., high profile). As such, it is respectfully requested that the obviousness rejections of independent claims 9 and 18 based upon Mooney and Reichman be withdrawn. Additionally, the rejections of dependent claims 11-17 and 19-27 as obvious based on the combination of Mooney and Reichman alone or in combination with Bondeson, Shemtov, or Perera are also now considered moot in light of the above amendments and remarks and it is respectfully requested that the obviousness rejections of these claims be withdrawn.

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CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above amendments and remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.


DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

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